IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4233 of 1996
With
CIVIL APPLICATION No. 5081 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOPALBHAI CHANDIRAM AVATRAMANI - Petitioner(s)

Versus

AHMEDABAD MUNICIPAL CORPORATION & 1 - Respondent(s)

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Appearance :
MR RN SHAH for Petitioner(s) : 1,
MR G.RAMAKRISHNAN FOR TANNA ASSOCIATES for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 05/12/2005

ORAL JUDGMENT

1. In the present petition, the petitioner had raised the challenge to the action of the respondent in seizing and detaining the vehicle of the petitioner being Maruti Van bearing registration number GJ-1-RR-2616 along with

36 body of table fan for payment of octroi.

2. By interim order this Court had permitted the release of the goods on the condition of deposit of Rs. 3,000/- by the petitioner. It is jointly stated that such amount has been deposited with the Corporation by the petitioner.

3. Learned advocate Shri Ramakrishnan for Tanna Associates for the respondent states that subsequently the respondent had asked the petitioner to produce necessary documents to finalise the octroi demand. He is however unable to state with precision the outcome of such an exercise.

4. Primarily since the petition was directed against the action of the respondents in intercepting the goods of the petitioner which were ordered to be released on fulfillment of the condition of deposit of Rs. 3,000/- which the petitioner deposited and lifted the goods as well as the vehicle, the main prayer of the petitioner stands virtually allowed. With respect to detention of the vehicle and the goods, therefore, nothing however is required to be done. The respondent would have by now

finalised the assessment of the octroi liability of the petitioner. If for some reason, the same is not done, it may be open for the respondent to proceed further in accordance with law.

5. Subject to above observations, the petition is disposed of. Rule is discharged with no order as to costs.

6. In view of the order passed in the main matter, Civil Application is disposed of without any further orders.

(Akil Kureshi, J.)

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